



California
Business
Properties
Association



May 8, 2015

The Honorable Kansen Chu
California State Assembly
State Capitol, Room 2179
Sacramento, CA 95814



American Planning Association
California Chapter
Making Great Communities Happen



Re: AB 718 (Chu) – Removal of Regulatory Authority: Vehicles Used For Human Habitation
Notice of Opposition

Dear Assembly Member Chu:

On behalf of the League of California Cities, American Planning Association, California Chapter, California Business Properties Association, International Council of Shopping Centers, the California Law Enforcement Association of Records Supervisors and the California Police Chiefs Association, California Association of Code Enforcement Officers and California College and University Police Chiefs Association, we regret to inform you of our oppose position on your AB 718. This measure, as drafted, would prohibit local agencies from enforcing laws and ordinances, or otherwise subject to civil or criminal penalties, the act of people sleeping or resting in a lawfully parked motor vehicle.

Our organizations are also concerned about the many challenges of addressing homelessness, and support measures that support additional funding to develop more affordable housing and provide mental health and other services. We do not believe, however, that removing local regulatory authority is an appropriate solution.

This bill is a preemption of local authority to regulate and enforce laws governing the use of public and private space. Local ordinances arise and are adopted by communities to address specific issues affecting health, safety and broader public welfare.

With over 13 million registered vehicles, automobile use is a major reality in California and that use must be managed. Cities work closely with businesses to ensure adequate parking and traffic flow in shopping and retail districts. Commercial businesses offer parking on private property for their customers and also rely on parking availability on adjacent streets. For residential neighborhoods, the need for available parking is also important; debates often occur, especially in residential neighborhoods, over retaining available parking for visitors and maintaining property values.

Those that have served on local city councils are familiar with such debates. For instance, a resident may become upset if a neighbor's motorhome or older vehicle leaking motor oil is parked in front of their home. Commercial businesses also raise concerns when they believe they are losing business when vehicles of non-customers are occupying parking spaces typically available to serve their businesses. Debates on these issues often go late into the night at city council meetings; but that is as it should be. Whether the solutions be parking ordinances, parking meters, residential parking permits, or parking prohibitions between certain times and other responses, these issues should be addressed at the local level, not in Sacramento.

The issues raised by AB 718 are less about parking, and more about the use of vehicles for human habitation, including sleeping and “resting.” City parking locations whether on public or private property –other than campgrounds—were never intended or designed for residential occupancy.

While AB 718 seeks to remove local authority to regulate such activity, the community impacts that will be imposed by this bill cannot be avoided:

- By combining the terms “sleeping” and “resting” within a vehicle, to the time that the occupant may be otherwise outside of the vehicle, the bill appears to be designed to allow an individual to live in a vehicle anywhere on either public or private property where it is not otherwise forbidden to park a vehicle.
- It is one thing to park an empty car in front of someone’s house; it is quite another for an occupied vehicle to be parked “resting” in front of the house for hours and days. The property owner will want to know: Who is this person? What is their intention? How can you tell if they are “resting” under SB 718 versus stalking the home or its occupants? Under AB 718, the bill appears to prohibit a police officer from asking the person to move or issuing a citation if they don’t. Presumably, if there were no other parking restrictions, the vehicle and its occupants could remain there until the city adopted an ordinance prohibiting all parking in that area.
- Commercial properties would face similar issues. One or more vehicles could park in front of a business removing potential parking spots for customers, and depending on the conduct of the occupants, potentially intimidate the public from visiting the location.
- What about public health and sanitation? How is human waste to be addressed? What does the term “resting” apply and not apply to?
- The concept of “resting” was the central feature of SB 608 (Liu) the “Right to Rest Act,” which is a now a two-year bill in the Senate. That measure, which is co-sponsored by a key supporter of this measure, the Western Regional Advocacy Project, contained language that stated *“the existence of homelessness requires that civil and human rights that are amply protected in the home and in other private places be extended to the public areas in which homeless persons live to ensure the equal rights of all Californians, whether homeless or housed.”* Such an assertion raises fundamental questions about the ultimate intent of this measure. Does this imply that “rights” reserved to the home, such as keeping and bearing arms, consumption of alcohol, and other private activity extend to someone sleeping or “resting” in an automobile on a public street or on private property?

This measure should be rejected. Cities work hard to balance all of the needs of their communities. It is simply not appropriate for the Legislature to attempt to remove local government authority to appropriately protect the public health, safety and welfare of their residents from issues that arise when people live outside of campgrounds in cars and trucks parked on public and private property. These are not easy issues to deal with, but they cannot responsibly be ignored.

At the state level, what is most needed to combat homelessness is funding for affordable housing and emergency shelters. There are several major pending measures that can help restore funds for affordable housing; the May Revise is expected to yield additional state revenue. We encourage legislators to support additional funding for affordable housing and homeless solutions.

For these reasons, we regret we must oppose AB 718. If you have any questions about our position, please call Dan Carrigg at the League at (916) 658-8222; Lauren De Valencia y Sanchez for APA California at (916) 443-5301; Matthew Hargrove for International Council of Shopping Centers and California Business Properties Association at (916) 443-4676; Thomas Sheehy for California Police Chiefs Association at (916) 442-1111; John Lovell for California Association of Code Enforcement Officers and California College and University Police Chiefs Association (916) 261-7188; and Joseph Surges, California Law Enforcement Association of Records Supervisors at (925) 671-3005.

Sincerely,



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